

STATE BOARD OF COSMETOLOGY EXAMINERS MEETING  
MONDAY, MAY 18, 2009, 10:00 A.M.  
INDIANA GOVERNMENT CENTER SOUTH  
402 W. WASHINGTON STREET, ROOM W064  
INDIANAPOLIS, IN 46204

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

David Demuth, President  
Diane Weisheit, Vice President  
Diana Bonn  
Elizabeth Lynch  
Dr. Rebecca Bushong

STATE OFFICIALS PRESENT:

Tracy Hicks, Board Director  
Tina Wiseley, Assistant Director  
Julie Alexander, Deputy Attorney General  
Natalie Stidd, Deputy Attorney General

MINUTES TRANSCRIBED AND  
COMPILED BY:

Tracy Hicks, Board Director

MINUTE 09-41

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

The committee meeting was called to order at 10:00 a.m. by D. Demuth pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

MINUTE 09-42

ADOPTION OF THE AGENDA

D. Weisheit moved to adopt the May 18, 2009 agenda as amended. E. Lynch seconded the motion. Motion carried.

MINUTE 09-43

ADOPTION OF THE MINUTES OF THE MARCH 16, 2009 MEETING OF THE BOARD

D. Bonn moved to approve the minutes of the March 16, 2009 meeting of the board. D. Weisheit seconded the motion. Motion carried.

MINUTE 09-44

ACTION ON OBJECTION TO THE NOTICE OF PROPOSED DEFAULT IN THE MATTER OF MARIE  
GOODEN, BC02301371, SBCE 08-35 AND GOODEN'S BEAUTY COLLEGE, SC48601200, SBCE 08-36

D. Bonn moved to accept the reason for failure to appear in the matter of Marie Gooden, BC02301371, SBCE 08-35 and Gooden's Beauty College, SC48601200, SBCE 08-36. R. Bushong seconded the motion. Motion carried.

MINUTE 09-45

ADMINISTRATIVE HEARING IN THE MATTER OF MARIE GOODEN, BC02301371, SBCE 08-35 AND  
GOODEN'S BEAUTY COLLEGE, SC48601200, SBCE 08-36

The board conducted an administrative hearing in the matter of Marie Gooden, BC02301371, SBCE 08-35 and Gooden's Beauty College, SC48601200, SBCE 08-36.

The state dismissed count 6 against Marie Gooden, BC02301371, SBCE 08-35.

D. Weisheit moved to deny the Respondents motion that IC 25 requires the complaint to be filed with the Director of Consumer Protection which is a part of the office of the Attorney General. The state has followed statutory guidelines. D. Bonn seconded the motion.

D. Weisheit moved that the state proved its case on twenty four (24) counts in the matter of Marie Gooden, BC02301371, SBCE 08-35 and Gooden's Beauty College, SC48601200, SBCE 08-36. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to revoke the cosmetologist and instructor licenses, impose a fine of \$1000.00 per violation to be paid within one (1) year from the date of the final order, and impose costs of the proceedings in the matter of Marie Gooden, BC02301371, SBCE 08-35. Motion failed due to lack of a second.

D. Bonn moved that the state proved its case on Twelve (12) counts, impose a fine of \$1000 per violation to be paid within one (1) year from the date of the final order, and impose costs of the proceedings in the matter of Gooden's Beauty College, SC48601200, SBCE 08-36. R. Bushong seconded the motion. Motion carried.

D. Bonn moved that the state proved its case on Twelve (12) counts. She further moved to revoke the instructor license, impose a fine of \$1000 per violation to be paid within one (1) year from the date of the final order, and impose costs of the proceedings in the matter of Marie Gooden, BC02301371, SBCE 08-35. R. Bushong seconded the motion. Motion carried.

D. Bonn moved to place the cosmetologist license on indefinite probation with no right to petition for reinstatement for a period of one (1) year from the date of the final order, require compliance with board statutes and rules, and require quarterly reports indicating her place of business in the matter of Marie Gooden, BC02301371, SBCE 08-35. E. Lynch seconded the motion. Motion carried.

#### **MINUTE 09-46**

#### **PUBLIC RULE HEARING IN THE MATTER OF LSA DOC. #08-935 CONCERNING EXAMINATION REQUIREMENTS, SANITATION, COSMETOLOGY SCHOOLS, SALONS, AND COURSE REQUIREMENTS**

The board conducted a public rule hearing regarding LSA Doc. #08-935 Concerning Examination Requirements, Sanitation, Cosmetology Schools, Salons, and Course Requirements.

#### **Vivian Price:**

Overall, the entire packet, the comments from schools that have contacted her is that they love the changes. There have only been a couple of comments of whether a few things can be tweaked a little bit or whether it would have to wait.

2-2-3(b): this is talking about the length of time that they have to take the exam. The old terminology said the first attempt exam must be taken within one year of graduation and repeat exams successfully repeated in three years. As it is written in this packet, the one year guideline has been stricken. It now reads (Just the 3 year deadline). The schools she has talked to are concerned with this. Approximately 75% of our schools are federally accredited to receive grants and loans for students that qualify. Once that \$ is brought into the school and complete education, take exams, the school responsibility in reporting that student's records is not finished. The school has to continue to record info, whether complete course, graduate, did they take exams, did they pass exams, is student working in industry within 3 to 5 years. Their concern is if it stays as is, student will have 3 years to sit for the first time. The farther away they have to take their exam for the first time, the more likely they are to fail the exam. This 1 year graduation requirement was put in place when the board was administering the written and practical exams and it was taking 30 to 90 days for students to take the exams. This gave the agency time to schedule and administer the exams. We don't have a back up now. The students graduate, take

the application to the agency that day and schedule the exam in 10 days and have their license in 20 days. (Board agrees)

2-2-5: Any repeat exams, I don't remember that we struck out "second" and put "fifth" in there. The way it reads is that they have five tries to go back to school for additional hours. HEA 1573 there is a provision in there with the same wording under the barber section that is the same as the proposal. We are concerned that this will be a hindrance with the schools as far as record keeping and there will be a higher failure rate. Board discussed making them all the same.

3-2-9(c)(3); We had written on there that waxing had to be done with a new applicator for each application of wax, there could not be any double dipping in the wax. (board agrees) David says; when waxing, wear protective gloves which must be disposed of after use during service of one customer. Wax applicators may not be redipped. A new applicator must be used for every new application of wax. Vivian continues that there was severe waxing incident in Indiana, there was a disease passed to multiple people due to using the same applicator on multiple clients.

3-1-2 through 11; same wording for double dipping in the wax pot. If they are taught appropriately in school, they same requirements will be required in the salons. (board agrees) Terminology in new textbooks is re-dipping.

It was brought to my attention that there are still roll on wax applicators. Diana Bonn said there are disposable tops available and the inspectors can look for disposables.

3-2-9(b)(5)(A) & (B); we want to look at...a steam autoclave sterilizer 15 pounds of pressure, 30 minutes at 250 degrees; we need to include in there "or follow manufacturers instructions". Some schools suggesting including "FDA Approved". Board agrees.

4-2-6 I had a school owner today may the suggestion that under 17 on the esthetics equipment the school must have, if they already have a cabinet that contains makeup, do they really need to have makeup in the esthetics tool kit for the students? We discussed it and the concern was the sanitation of the make up and brushes, you're going to have some students that follow the sanitation guidelines to the letter and some that don't. They may want to use their make up in their kits to be sure that their clients and models are receiving sanitary makeup because they are not sure if the make up in the school cabinet is sanitary or not. They want to cut the cost down for the student kit and the make up is a very large cost. I as a past esthetics instructor would prefer they use their own makeup in their kit.

Why do the schools still need to list patrons and students differently. Can it be adjusted now or done in the future. Just a suggestion to be tweaked.

Schools want to teach more about dealing directly with the client, giving that customer service.

Basically that was what was brought to my attention. School owners and instructors that she knows that have looked this over are very pleased with it, pleased with terminology about EPA disinfectant, updating progress books.

#### **T. Ross Head:**

As a school owner, we need to leave the wording the same S & P so we know whether the student has actually had any contact with the public.

There are a couple of places in there that indicate the word "shampoo". Since they have struck it from the progress books and reports. I can't remember which page it is on or what section but it is a list of things that referencing what needs to be done on a live person as opposed to manikins. It does not need to be there if they are striking it every place else. There is no separate license for it.

4-4-4 specific curriculum for cosmetologist, in section C, shampoo is not needed there. That is all I have.

**Vivian Price:** Shampoo indicates it is still in the cosmetologist curriculum but it is not in the progress. Depending on the products used for hair color or perms, they may need to shampoo hair 4 or 5 times for that procedure.

**R. Bushong:**

3-1-15 manicurist cleanliness. Has to do with EPA registered disinfectants. In my practice most cases I see regarding pedicure are related to mycobacterium. We do include the micro bacterial disinfection when there is blood or bodily fluids under section 9 but I would like to see this expanded to include the tubercularcidal disinfectant. And also in part D and B1 I would like include it as well.

4-2-6 & 4-2-7, and Cosmo also: tubuculicidal needs to be added also. Diana Bonn said it is more expensive and understand it should be used on pedicure equipment. Br. Bushong indicted it is not likely to transmit tuberculosis through combs and brushes.

**D. Bonn:**

3-1-15 (b)(6) should say at least 70% alcohol or 10% bleach.

3-1-15 (5)(b) it should say 10% bleach solution on that.

**Technical changes per LSA.**

- 1) 820 IAC 3-1-8(a); change "shampoo operator" to "esthetician".
- 2) 820 IAC 3-1-17(a); add "esthetic salon".
- 3) 820 IAC 4-2-5(a); add "of education" after "250 hours".
- 4) 820 IAC 4-2-5(b)(13); change "clippies" to "hair clips"
- 5) 820 IAC 4-4-10(d); the Notary section will have to be deleted to accommodate the addition of electronic record keeping.
- 6) 820 IAC 4-4-11(d); the Notary section will have to be deleted to accommodate the addition of electronic record keeping.
- 7) 820 IAC 4-4-12(e); the Notary section will have to be deleted to accommodate the addition of electronic record keeping.
- 8) 820 IAC 4-4-14(e); the Notary section will have to be deleted to accommodate the addition of electronic record keeping.

The board will consider the public comment and the rule at the July meeting.

**MINUTE 09-47**

**PERSONAL APPEARANCES**

1. P.J.'s College of Cosmetology by Judith and or Phillip Stewart, SBCE 08-26 - Appeared
2. Brenda Anderson, BC02117855, SBCE 07-42 – D. Weisheit moved to issue Notice to Show Cause for not appearing. R. Bushong seconded the motion. Motion carried.
3. Lovely Nails, MS30600511, SBCE 08-27 – Failed to appear due to family illness that required Respondent to be in California. Respondent was instructed to send a note from the Doctor and airline information
4. Nail Expo, MS30500736, SBCE 08-17 - Appeared
5. Mighty Sharp Barber (Beauty) Shop, BS30500317, SBCE 06-31 – Failed to appear. Show Cause hearing already conducted.
6. Pro Nails, MS30701326, SBCE 07-03 – Failed to appear. Show Cause hearing already conducted.

**MINUTE 09-48****CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

D. Weisheit moved to accept the Proposed Findings of Fact, Conclusions of Law, And Order in the matter of Luxury Nails, MS39900819, SBCE 09-05. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to amend the agenda to add Proposed Findings of Fact, Conclusions of Law, And Order in the matters of Qui C. Lam, MA39801186, SBCE 09-03 and Today's Nails/Tan, MS30400706, SBCE 09-02. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to accept the Proposed Findings of Fact, Conclusions of Law, And Order in the matter of Qui C. Lam, MA39801186, SBCE 09-03. R. Bushong seconded the motion. Motion carried.

D. Weisheit moved to accept the Proposed Findings of Fact, Conclusions of Law, And Order in the matter of Today's Nails/Tan, MS30400706, SBCE 09-02. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-49****CONSIDERATION OF PETITION FOR REVIEW IN THE MATTER OF EMILY WHITEHEAD, SBCE 08-34**

D. Weisheit moved to consider Emily White's petition for review moot due to the fact that she has passed the cosmetology examination. D. Bonn seconded the motion. Motion carried.

**MINUTE 09-50****CONSIDERATION OF COSTS AS PROVIDED BY IC 25-1-11-18**

D. Bonn moved to approve the costs as provided by IC 25-1-11-18 in the matter of Nice Nails, SBCE 09-06; \$95.64. R. Bushong seconded the motion. Motion carried.

D. Bonn moved to approve the costs as provided by IC 25-1-11-18 in the matter of Cindy's Nails, MS30300608 and Paul H. Phung, MA29900189, SBCE 09-04; \$95.64. R. Bushong seconded the motion. Motion carried.

**MINUTE 09-51****CONSIDERATION OF APPLICATION FOR RENEWAL OF COSMETOLOGY SCHOOL LICENSE**

Moved to deny the application for renewal of cosmetology school license in the matter of Gooden's Beauty College, SC48601200. D. Weisheit seconded the motion. Motion carried.

**MINUTE 09-52****CONSIDERATION OF REQUESTS FOR TRANSFER OF COSMETOLOGY SALON LICENSE PURSUANT TO IC 25-8-4-4**

D. Bonn moved to approve the request for transfer of cosmetology salon license in the matter of The Golden Salon, BS30802108 to 213 W. State Street, Ashley, IN 46705 due to circumstances beyond her control. E. Lynch seconded the motion. Motion carried.

**MINUTE 09-53****CORRESPONDENCE**

The board received correspondence from Honors Beauty College concerning approval to offer a 600 hour manicurist course. Pursuant to the board's statutes and rules, board approval is not required to offer more than the minimum number of educational hours in a cosmetology school.

**MINUTE 09-54****CONSIDERATION OF REQUESTS FOR WAIVER OF 820 IAC 2-2-3(b)**

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow three (3) months to sit for the examination for the first time in the matter of Abby Buuck, Valarie Harmon, LaKeisha White, and Tara Hudson. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to pass the examination in the matter of Telisha Berry and Lauren Michelle Snellenbarger. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 2-2-3(b) and allow six (6) months to pass the examination in the matter of Molly A. Soultz. D. Bonn seconded the motion. Motion carried.

#### **MINUTE 09-55**

##### **CONSIDERATION OF REQUEST FOR WAIVER OF 820 IAC 4-1-5(d)**

D. Weisheit moved to approve the requests for waiver of 820 IAC 4-1-5(d) and allow six (6) months to graduate from cosmetology school in the matter of Renee Nichole Busby. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 4-1-5(d) and allow six (6) months to graduate from cosmetology school in the matter of Maria Fernandez. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 4-1-5(d) and allow six (6) months to graduate from cosmetology school in the matter of Stephanie Walker House. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to approve the requests for waiver of 820 IAC 4-1-5(d) and allow six (6) months to graduate from cosmetology school in the matter of Monica Clapp. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to table the requests for waiver of 820 IAC 4-1-5(d) in the matter of Taccasia Porter. D. Bonn seconded the motion. Motion carried.

D. Weisheit moved to table the requests for waiver of 820 IAC 4-1-5(d) in the matter of Melissa White. D. Bonn seconded the motion. Motion carried.

#### **MINUTE 09-56**

##### **GRANTING OR DENYING PETITIONS FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE**

D. Weisheit moved to grant the petitions for review in the matter of Kendra Renee Buss, D.T. Nails, Spa Nails 2, and Lisa Weddle and appoint D. Demuth as the Administrative Law Judge. D. Bonn seconded the motion. Motion carried.

#### **MINUTE 09-57**

##### **DEPUTY ATTORNEY GENERAL'S REPORT**

She will have a laptop to do orders in the meeting for future meetings.

#### **MINUTE 09-58**

##### **APPLICATION COMMITTEE REPORT**

D. Weisheit moved to accept the following application committee report as follows. R. Bushong seconded the motion. Motion carried.

##### **COSMETOLOGY RECIPROCITY APPLICATIONS**

Gutierrez, Minerva – TABLED FOR WORK HISTORY

Pacheco, Melba L. – APPROVED

Robinson, Cheryl Ann – TABLED FOR PHOTO

Zimmerman, Kimberly – TABLED FOR PROOF OF HIGH SCHOOL EDUCATION, PROOF OF APPROVED COSMETOLOGY SCHOOL, AND PHOTO

##### **COSMETOLOGY EXAMINATION APPLICATIONS**

Deckard, Edwinna Jean – APPROVED

Downs, Hannah Lucille – APPROVED ON PROBATION  
Morris, Brittany Ann – APPROVED

**COSMETOLOGY RESTORATION APPLICATION**

Hughes, Robin Louise – APPROVED PENDING 100 HOURS OF ADDITIONAL EDUCATION

**MANICURIST EXAMINATION APPLICATION**

Diep, Le Ngoc – APPROVED

**MANICURIST RECIPROCITY APPLICATIONS**

Ben, Sarum – DENIED – EDUCATION NOT EQUIVALENT/NAIL SCHOOL – IC 25-8-11-4(3)

Craver, Brittany N. – APPROVED

Hoang, Thang Duc – TABLED FOR COPY OF SOCIAL SECURITY CARD AND DRIVER'S LICENSE

**ESTHETICIAN RECIPROCITY APPLICATION**

Taylor, Kathryn L. – DENIED – EDUCATION NOT EQUIVALENT/NO WORK EXPERIENCE – IC 25-8-12.5-7(a)(1)(B), IC 25-8-12.5-7(a)(2), AND IC 25-8-12.5-7(b)(2)

**ESTHETICIAN EXAMINATION APPLICATION**

Randolph, Autumn D. – APPROVED

**INSTRUCTOR EXAMINATION APPLICATION**

Jernigan, Lashonda K. – TABLED PENDING PROOF OF WORK EXPERIENCE & GED CERTIFICATE

**COSMETOLOGY SALON APPLICATIONS**

Dana & Co. – APPROVED

Punchies Style Center – APPROVED ON PROBATION

**MANICURIST SALON APPLICATIONS**

Nail Art – DENIED – UNLICENSED PRACTICE - IC 25-1-11-19(a)(1)(B)

Nail Trap – DENIED – UNLICENSED PRACTICE - IC 25-1-11-19(a)(1)(B)

**TANNING FACILITY APPLICATION**

Dana & Co. – APPROVED

**MINUTE 09-59**

**RULES COMMITTEE REPORT**

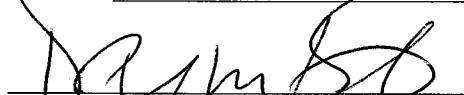
Mobile salon rules were not discussed.

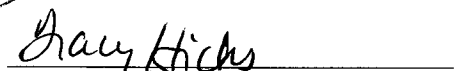
**MINUTE 09-60**

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 6:35 p.m.

DATED: 7-20-09

  
DAVID DEMUTH, PRESIDENT

  
ATTEST BY:  
TRACY HICKS, BOARD DIRECTOR